

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 18-00211-01-CR-W-GAF
)	
DERRICK A. WAGY,)	
)	
Defendant.)	

ORDER

On June 28, 2019, defense counsel filed a Motion for Determination of Competency (Doc. #24) requesting that the Court order a psychiatric or psychological examination of defendant in order to assess defendant's mental ability to understand the proceedings presently pending against him and to properly assist his counsel in his own defense. On July 1, 2019, the Court ordered that Defendant undergo a psychiatric or psychological examination pursuant to 18 U.S.C. § 4241(b) to assist the Court in making a determination as to defendant's competency.

Defendant Wagy was examined at the Metropolitan Correctional Center in Chicago, Illinois. Defendant Wagy was examined by David M. Szyhowski, Psy.D., Forensic Studies Unit Psychologist. On October 29, 2019, a Forensic Psychological Report regarding Defendant Wagy was filed with the Court. (Doc. #29.)

On November 14, 2019, a competency hearing was held before United States Magistrate Judge Lajuana M. Counts. Defendant Wagy appeared with counsel, Assistant Federal Public Defender William Raymond. The Government was represented by Assistant United States Attorney Emily Morgan. The parties stipulated to the Forensic Psychological Report prepared by

David M. Szyhowski, Psy.D. No additional evidence was offered.

On November 14, 2019, United States Magistrate Judge Lajuana M. Counts issued her Report and Recommendation (Doc. #34). Counsel waived the filing of any objections to this Report and Recommendation.

Upon careful and independent review of the record, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Lajuana M. Counts.

Accordingly, it is

ORDERED that defendant Derrick A. Wagy is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: November 18, 2019